

## REMARKS

Claims 1-6 were examined and reported in the Office Action. Claims 1-6 are rejected. Claims 1-6 remain.

Applicant requests reconsideration of the application in view of the following remarks.

### I. 35 U.S.C. § 102(b)

It is asserted in the Office Action that claims 1-3, 6 are rejected under 35 U.S.C. § 102(b), as being anticipated by U. S. Patent No. 5,692,722 issued to Lundagards ("Lundagards"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claim 1 contains the limitations of

A locking arrangement for locking a portable article (16) having a planar flat bottom surface to a stationary object (10), the arrangement comprising: At least a pair of first protrusions (22a - 22d) each forming an undercut with respect to the bottom surface of the portable article (16); An opening (24) formed at the bottom surface of the portable article (16); A bar shaped locking substrate member (26) comprising: - a bottom surface adapted to be placed on and fastened to the stationary object (10); a top surface with at least a pair of complementary undercut portions (32a - 32d) configured to frictionally match the first protrusions (22a - 22d) when the article is positioned overlapping the substrate

member (26); a key-operated rotatable lock member (36) carrying a projection (40) which is adapted to become inserted by the rotation of the key into said opening (24) in the overlapping position to thereby arrest the portable article (16) against the substrate member(10).

Lundagards discloses a locking device for locking an object (e.g., a computer) relative to a support, where at least two members (together) can be locked relative to each other with a locking means. Distinguishable, in Applicant's claimed invention locking takes place directly against the "flat bottom surface" of the protected article and against "an opening formed in the bottom surface." Further, it should be noted that the use of only one out of the pair of locking rails described in Lundagards cannot fulfill the task of securing the protected article to the stationary object. Moreover, Lundagards does not teach, disclose or suggest "[a] locking arrangement for locking a portable article (16) having a planar flat bottom surface to a stationary object (10) ... An opening (24) formed at the bottom surface of the portable article (16)... a key-operated rotatable lock member (36) carrying a projection (40) which is adapted to become inserted by the rotation of the key into said opening (24) in the overlapping position to thereby arrest the portable article (16) against the substrate member(10)."

Lundagards does not disclose, teach or suggest all of Applicant's claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Lundagards. Thus, Applicant's claim 1 is not anticipated by Lundagards. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-3 and 6, are also not anticipated by Lundagards for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1-3, 6 are respectfully requested.

## **II. 35 U.S.C. § 103(a)**

**A.** It is asserted in the Office Action that claims 4 and 5 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Lundagards in view of U.S.

Patent Application No. 5,601,273 issued to Avganim ("Avganim"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "All words in a claim must be considered in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 4 and 5 are either directly or indirectly dependent on claim 1. Applicant has addressed Lundagards above in section I regarding claim 1.

Avganim discloses an anti-theft device for arresting TVs or VCRs to a stationary base. In Applicant's claimed invention, however, locking takes place directly against the "flat bottom surface" of the protected article and against "an opening formed in the bottom surface." As discussed above, the use of only one out of the pair of locking rails described in Lundagards cannot fulfill the task of securing the protected article to the stationary object.

Further, Avganim does not teach, disclose or suggest "[a] locking arrangement for locking a portable article (16) having a planar flat bottom surface to a stationary object (10) ... An opening (24) formed at the bottom surface of the portable article (16)... a key-operated rotatable lock member (36) carrying a projection (40) which is adapted to

become inserted by the rotation of the key into said opening (24) in the overlapping position to thereby arrest the portable article (16) against the substrate member(10)."

Therefore, even if Lundagards were combined with Avganim, the resulting invention would still not include all of Applicant's claimed limitations. And, therefore, there would be no motivation to combine Lundagards with Avganim. Moreover, by viewing the disclosures of Lundagards and Avganim, one cannot jump to the conclusion of obviousness without impermissible hindsight. According to MPEP 2142,

[t]o reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention 'as a whole' would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the 'differences,' conduct the search and evaluate the 'subject matter as a whole' of the invention. The tendency to resort to 'hindsight' based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

Applicant submits that without first reviewing Applicant's disclosure, no thought, whatsoever, would have been made to having locking take place directly against the "flat bottom surface" of the protected article and against "an opening formed in the bottom surface."

Neither Lundagards, Avganim, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's claim 1, as listed above. Since neither Lundagards, Avganim, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 1, Applicant's claim 1 is not obvious over Lundagards in view of Avganim since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claim 1, namely claims 4 and 5, would also not be obvious over Lundagards in view of Avganim for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 4 and 5 are respectfully requested.



**CONCLUSION**

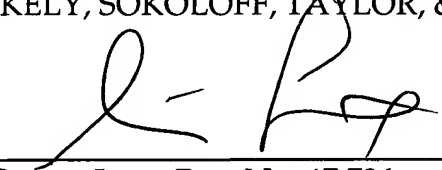
In view of the foregoing, it is submitted that claims 1-6 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

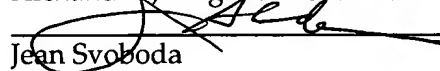
Dated: August 31, 2005

By:   
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on August 31, 2005.

  
Jean Svoboda